

RECEIVED  
CENTRAL FAX CENTER  
OCT 12 2006

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

The claims have been amended to more clearly set forth the intended steps involved in the method of the invention and by adding the feature that the average molecular weight of the WPH is within the range of 1000-12000Da. The basis for the proposed amendments can be found *inter alia* in original claim 8, and in the paragraph bridging pages 15 and 16. Applicants reserve the right to file a divisional continuation application at a later stage on the original subject matter. Claim 4 has been amended to correct an informality wherein it recites a limitation as "preferable." New claim 14 is presented to recite this feature.

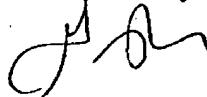
Amended independent claims 1 and 8, recite use of Whey protein hydrolysate for improving or preventing decline in mental performance and/or for providing a sustained feeling of energy and/or for maintaining or providing a feeling of well-being during the postprandial period, whereas Siemensma et al. relates to enhancing the blood insulin response/enhancing recovery after physical exercise using any of a large group of protein hydrolysates. The Office points to no teaching of the recited effects in Siemensma et al.

As stated above, amended independent claims 1 and 8 recite use of whey protein hydrolysate for improving or preventing decline in mental performance and/or for providing a sustained feeling of energy and/or for maintaining or providing a feeling of well-being during the postprandial period. Reimer et al. relate to treating patients suffering from diabetes or syndrome X. The Office points to no teaching of the presently recited effects by Reimer et al.

As to Frose, et al. again, amended independent claims 1 and 8, recite use of Whey protein hydrolysate for improving or preventing decline in mental performance and/or for providing a sustained feeling of energy and/or for maintaining or providing a feeling of well-being during the postprandial period. Forse et al. relates to improved enteral compositions for the treatment of critically ill patients, said compositions comprising a protein hydrolysate. The Office points to no teaching by Forse et al. of use of whey protein hydrolysate for the recited effects.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



Gerard J. McGowan, Jr.  
Registration No. 29,412  
Attorney for Applicant(s)

GJM/pod  
(201) 894-2297